

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

NO. 11 CR 6 JL

V.

BRIAN MAHONEY

MOTION TO CONTINUE

NOW COMES the accused, Brian Mahoney, by and through counsel, and hereby moves this Court to continue his August 29, 2011 pretrial conference and September 7, 2011 trial for a period of ninety (90) days.

In support of this Motion, the accused states as follows:

1. The accused is scheduled to appear in this Court on August 29, 2011 for a pretrial conference and September 7, 2011 for trial.
2. However, the accused's independent competency evaluation will not be completed by the September 7, 2011 trial date, as Doctor Eric Mart will be testifying in Texas on another case. Doctor Mart will need to travel to Texas on two occasions. In addition, Doctor Mart will be on a pre-planned vacation.
3. That the accused is aware of the within Motion.
4. That the United States Attorney's Office assents to the within Motion.
5. Further, the undersigned counsel will commence a murder trial in the Hillsborough North Superior Court on October 24, 2011 in the case of State v. Sullivan. Mr. Sullivan's trial is expected to last three to four weeks.

WHEREFORE, the accused respectfully requests that this Court grant the within Motion.

Respectfully submitted,
Brian Mahoney,
By his Attorney,

Date: August 17, 2011 /S/Paul J. Garrity
Paul J. Garrity
14 Londonderry Road
Londonderry, NH 03053
434-4106
Bar No. 905

CERTIFICATE OF SERVICE

I, Paul J. Garrity, herein certify that on this 17th day of August, 2011, a copy of the within was e filed, to the United States Attorney's Office and mailed, postage prepaid, to Brian Mahoney.

/S/Paul J. Garrity
Paul J. Garrity